

Union Calendar No. 126

104TH CONGRESS  
1ST SESSION

**H. R. 2043**

[Report No. 104-233]

**A BILL**

To authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and Inspector General, and for other purposes.

AUGUST 4, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

# Union Calendar No. 126

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2043

**[Report No. 104-233]**

To authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and Inspector General, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 17, 1995

Mr. WALKER (for himself and Mr. SENSENBRENNER) introduced the following bill; which was referred to the Committee on Science

AUGUST 4, 1995

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 17, 1995]

---

## A BILL

To authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and Inspector General, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       *This Act may be cited as the “National Aeronautics*  
3 *and Space Administration Authorization Act, Fiscal Year*  
4 *1996”.*

5 **SEC. 2. FINDINGS.**

6       *The Congress makes the following findings:*

7           (1) *The National Aeronautics and Space Admin-*  
8 *istration has failed to request sufficient funds to per-*  
9 *form all missions it has proposed in annual budget*  
10 *requests. For fiscal year 1996, the budget requested is*  
11 *\$140,000,000 below the amount required to fulfill pro-*  
12 *gram commitments made by the fiscal year 1995*  
13 *budget approved by Congress. The request for fiscal*  
14 *year 1996 proposes continued underfunding of the re-*  
15 *quirements of the National Aeronautics and Space*  
16 *Administration by \$439,000,000 for fiscal year 1997,*  
17 *\$847,000,000 for fiscal year 1998, \$1,189,000,000 for*  
18 *fiscal year 1999, and \$1,532,000,000 for fiscal year*  
19 *2000.*

20           (2) *In order to close the gap between projected*  
21 *program requirements and the underfunding re-*  
22 *quested, the National Aeronautics and Space Admin-*  
23 *istration should aggressively pursue actions and re-*  
24 *forms directed at reducing institutional costs, includ-*  
25 *ing management restructuring, facility consolidation,*  
26 *procurement reform, personnel base downsizing, and*

1       *convergence with other defense and private sector sys-*  
2       *tems.*

3               *(3) While institutional reforms, restructurings,*  
4       *and downsizing hold the promise of comporting the*  
5       *projected needs of the National Aeronautics and Space*  
6       *Administration with funding levels requested by the*  
7       *Administration, such reforms provide no guarantee*  
8       *against cancellation of missions in the event reform*  
9       *efforts fail to achieve cost reduction targets.*

10              *(4) The National Aeronautics and Space Admin-*  
11       *istration must reverse its current trend toward becom-*  
12       *ing an operational agency, and return to its proud*  
13       *history as the Nation's leader in basic scientific air*  
14       *and space research.*

15              *(5) Commercial space activity is in a delicate*  
16       *stage of growth but has the potential to eclipse Fed-*  
17       *eral space activity in its economic return to the Na-*  
18       *tion if not stifled.*

19              *(6) The United States is on the verge of creating*  
20       *and using new technologies in microsatellites, infor-*  
21       *mation processing, and space launch that could radi-*  
22       *cally alter the manner in which the Government ap-*  
23       *proaches its space mission.*

24              *(7) The overwhelming preponderance of the Fed-*  
25       *eral Government's requirements for routine, non-*

1      *emergency manned and unmanned space transpor-*  
2      *tation can be most effectively, efficiently, and eco-*  
3      *nomically met by a free and competitive market in*  
4      *privately developed and operated launch services.*

5            (8) *In formulating a national space transpor-*  
6      *tation service policy, the National Aeronautics and*  
7      *Space Administration should aggressively pursue re-*  
8      *verse contracting opportunities to support the private*  
9      *sector development of advanced space transportation*  
10     *technologies including reusable space vehicles, single-*  
11     *stage-to-orbit vehicles, and manned space systems.*

12           (9) *International cooperation in space explo-*  
13     *ration and science activities serves the United States*  
14     *national interest—*

15                (A) *when it—*

16                        (i) *reduces the cost of undertaking mis-*  
17                        *sions the United States Government would*  
18                        *pursue unilaterally;*

19                        (ii) *enables the United States to pursue*  
20                        *missions that it could not otherwise afford*  
21                        *to pursue unilaterally; or*

22                        (iii) *enhances United States capabili-*  
23                        *ties to use and develop space for the benefit*  
24                        *of United States citizens; and*

25                (B) *when it does not—*

1                   (i) otherwise harm or interfere with the  
2                   ability of United States private sector firms  
3                   to develop or explore space commercially;

4                   (ii) interfere with the ability of Fed-  
5                   eral agencies to use space to complete their  
6                   missions;

7                   (iii) undermine the ability of United  
8                   States private enterprise to compete favor-  
9                   ably with foreign entities in the commercial  
10                  space arena; or

11                  (iv) transfer sensitive or commercially  
12                  advantageous technologies or knowledge  
13                  from the United States to other countries or  
14                  foreign entities except as required by those  
15                  countries or entities to make their contribu-  
16                  tion to a multilateral space project in part-  
17                  nership with the United States, or on a  
18                  quid pro quo basis.

19                  (10) The National Aeronautics and Space Ad-  
20                  ministration and the Department of Defense can co-  
21                  operate more effectively in leveraging their mutual ca-  
22                  pabilities to conduct joint space missions that im-  
23                  prove United States space capabilities and reduce the  
24                  cost of conducting space missions.

1 **SEC. 3. DEFINITIONS.**

2 *For purposes of this Act—*

3 *(1) the term “Administrator” means the Admin-*  
 4 *istrator of the National Aeronautics and Space Ad-*  
 5 *ministration; and*

6 *(2) the term “institution of higher education”*  
 7 *has the meaning given such term in section 1201(a)*  
 8 *of the Higher Education Act of 1965 (20 U.S.C.*  
 9 *1141(a)).*

10 **TITLE I—AUTHORIZATION OF**  
 11 **APPROPRIATIONS**

12 **Subtitle A—Authorizations**

13 **SEC. 101. HUMAN SPACE FLIGHT.**

14 *(a) AUTHORIZATIONS.—There are authorized to be ap-*  
 15 *propriated to the National Aeronautics and Space Admin-*  
 16 *istration for fiscal year 1996 for Human Space Flight the*  
 17 *following amounts:*

18 *(1) For Space Shuttle Operations,*  
 19 *\$2,341,800,000.*

20 *(2) For Space Shuttle Safety and Performance*  
 21 *Upgrades, \$837,000,000.*

22 *(3) For Payload and Utilization Operations,*  
 23 *\$315,000,000.*

24 *(4) For Russian Cooperation, \$100,000,000.*

25 *(b) CONSTRUCTION OF FACILITIES.—(1) Of the funds*  
 26 *authorized to be appropriated under subsection (a)(2),*

1 \$5,000,000 are authorized for modernization of the Firex  
2 System, Pads A and B, Kennedy Space Center.

3 (2) Of the funds authorized to be appropriated under  
4 subsection (a)(2), \$7,500,000 are authorized for replacement  
5 of the Chemical Analysis Facility, Kennedy Space Center.

6 (3) Of the funds authorized to be appropriated under  
7 subsection (a)(2), \$4,900,000 are authorized for replacement  
8 of the Space Shuttle Main Engine Processing Facility, Ken-  
9 nedy Space Center.

10 **SEC. 102. SCIENCE, AERONAUTICS, AND TECHNOLOGY.**

11 (a) AUTHORIZATIONS.—There are authorized to be ap-  
12 propriated to the National Aeronautics and Space Admin-  
13 istration for fiscal year 1996 for Science, Aeronautics, and  
14 Technology the following amounts:

15 (1) For Space Science, \$1,995,400,000, of  
16 which—

17 (A) \$1,167,600,000 are authorized for Phys-  
18 ics and Astronomy, of which \$51,500,000 shall be  
19 for the Gravity Probe B, except that no funds are  
20 authorized for the Space Infrared Telescope Fa-  
21 cility; and

22 (B) \$827,800,000 are authorized for Plan-  
23 etary Exploration, of which \$30,000,000 shall be  
24 for the New Millennium Spacecraft, including  
25 \$5,000,000 for the National Aeronautics and



1       *Space Administration's participation in Clem-*  
2       *entine 2 (Air Force Program Element 0603401F*  
3       *Advanced Spacecraft Technology).*

4       *(2) For Life and Microgravity Sciences and Ap-*  
5       *plications, \$293,200,000.*

6       *(3) For Mission to Planet Earth, \$1,013,100,000,*  
7       *of which \$21,500,000 shall only be for activities de-*  
8       *scribed in section 208(b)(7)(A), except that no funds*  
9       *are authorized for the Consortium for International*  
10       *Earth Science Information Network (except as pro-*  
11       *vided in section 107) or the Topex Poseidon Follow-*  
12       *On mission. Funds authorized by this paragraph may*  
13       *not be expended to duplicate private sector or other*  
14       *Federal activities or to procure systems to provide*  
15       *data unless the Administrator certifies to Congress*  
16       *that no private sector or Federal entity can provide*  
17       *suitable data in a timely manner. Notwithstanding*  
18       *any other provision of law, funds in excess of those*  
19       *authorized by this paragraph may not be obligated*  
20       *for Mission to Planet Earth.*

21       *(4) For Space Access and Technology,*  
22       *\$639,800,000 of which—*

23               *(A) \$193,000,000 are authorized for Ad-*  
24       *vanced Space Transportation;*

1           (B) \$10,000,000 are authorized to be made  
2           available for defraying the costs of converting or  
3           redesigning commercially inconsistent elements  
4           of former Federal facilities or to take actions re-  
5           quired for conformance with Federal laws or reg-  
6           ulations relating to commercial space transpor-  
7           tation infrastructure, to remain available until  
8           expended;

9           (C) \$20,000,000 shall be for continuing the  
10          Launch Voucher Demonstration Program author-  
11          ized under section 504 of the National Aero-  
12          nautics and Space Administration Authorization  
13          Act, Fiscal Year 1993 (15 U.S.C. 5803); and

14          (D) \$33,900,000 are authorized for the  
15          Small Spacecraft Technology Initiative, except  
16          that funds for such Initiative may not be ex-  
17          pended to duplicate private sector activities or to  
18          fund any activities that a private sector entity  
19          is proposing to carry out for commercial pur-  
20          poses. No funds are authorized under this para-  
21          graph for the Partnership for Next Generation  
22          Vehicle.

23          (5) For Aeronautical Research and Technology,  
24          \$826,900,000, of which—

1           (A) \$354,700,000 are authorized for Re-  
2           search and Technology Base activities;

3           (B) \$245,500,000 are authorized for High  
4           Speed Research;

5           (C) \$133,000,000 are authorized for Ad-  
6           vanced Subsonic Technology, except that no  
7           funds are authorized for concept studies for Ad-  
8           vanced Traffic Management and Affordable De-  
9           sign and Manufacturing;

10          (D) \$40,200,000 are authorized for High-  
11          Performance Computing and Communications;  
12          and

13          (E) \$48,100,000 are authorized for Numeri-  
14          cal Aerodynamic Simulation.

15          (6) For Mission Communication Services,  
16          \$461,300,000.

17          (7) For Academic Programs, \$102,200,000.

18          (b) CONSTRUCTION OF FACILITIES.—(1) Of the funds  
19          authorized to be appropriated under subsection (a)(3),  
20          \$17,000,000 are authorized for construction of the Earth  
21          Systems Science Building, Goddard Space Flight Center.

22          (2) Of the funds authorized to be appropriated under  
23          subsection (a)(5), \$5,400,000 are authorized for moderniza-  
24          tion of the Unitary Plan Wind Tunnel Complex, Ames Re-  
25          search Center.

1       (3) *Of the funds authorized to be appropriated under*  
2 *subsection (a)(2), \$3,000,000 are authorized for the con-*  
3 *struction of an addition to the Microgravity and Develop-*  
4 *ment Laboratory, Marshall Space Flight Center.*

5 ***SEC. 103. MISSION SUPPORT.***

6       *There are authorized to be appropriated to the Na-*  
7 *tional Aeronautics and Space Administration for fiscal*  
8 *year 1996 for Mission Support the following amounts:*

9           (1) *For Safety, Reliability, and Quality Assur-*  
10 *ance, \$37,600,000.*

11          (2) *For Space Communication Services,*  
12 *\$319,400,000.*

13          (3) *For Construction of Facilities, including*  
14 *land acquisition, \$152,600,000, of which—*

15           (A) *\$6,300,000 shall be for restoration of*  
16 *Flight Systems Research Laboratory, Ames Re-*  
17 *search Center;*

18           (B) *\$3,000,000 shall be for restoration of*  
19 *chilled water distribution system, Goddard Space*  
20 *Flight Center;*

21           (C) *\$4,800,000 shall be for replacing*  
22 *chillers, various buildings, Jet Propulsion Lab-*  
23 *oratory;*

1           (D) \$1,100,000 shall be for rehabilitation of  
2           electrical distribution system, White Sands Test  
3           Facility, Johnson Space Center;

4           (E) \$4,200,000 shall be for replacement of  
5           main substation switchgear and circuit breakers,  
6           Johnson Space Center;

7           (F) \$1,800,000 shall be for replacement of  
8           15kV load break switches, Kennedy Space Center;

9           (G) \$9,000,000 shall be for rehabilitation of  
10          Central Air Equipment Building, Lewis Re-  
11          search Center;

12          (H) \$4,700,000 shall be for restoration of  
13          high pressure air compressor system, Marshall  
14          Space Flight Center;

15          (I) \$6,800,000 shall be for restoration of In-  
16          formation and Electronic Systems Laboratory,  
17          Marshall Space Flight Center;

18          (J) \$1,400,000 shall be for restoration of  
19          canal lock, Stennis Space Center;

20          (K) \$2,500,000 shall be for restoration of  
21          primary electrical distribution system, Wallops  
22          Flight Facility;

23          (L) \$30,000,000 shall be for repair of facili-  
24          ties at various locations, not in excess of  
25          \$1,500,000 per project;

1           (M) \$30,000,000 shall be for rehabilitation  
2           and modification of facilities at various loca-  
3           tions, not in excess of \$1,500,000 per project;

4           (N) \$2,000,000 shall be for minor construc-  
5           tion of new facilities and additions to existing  
6           facilities at various locations, not in excess of  
7           \$750,000 per project;

8           (O) \$10,000,000 shall be for facility plan-  
9           ning and design not otherwise provided for; and

10          (P) \$35,000,000 shall be for environmental  
11          compliance and restoration.

12          (4) For Research and Program Management, in-  
13          cluding personnel and related costs, travel, and re-  
14          search operations support, \$2,094,800,000.

15   **SEC. 104. INSPECTOR GENERAL.**

16          There are authorized to be appropriated to the Na-  
17          tional Aeronautics and Space Administration for Inspector  
18          General, \$17,300,000 for fiscal year 1996.

19   **SEC. 105. TOTAL AUTHORIZATION.**

20          Notwithstanding any other provision of this title, the  
21          total amount authorized to be appropriated to the National  
22          Aeronautics and Space Administration under this Act shall  
23          not exceed \$11,547,400,000 for fiscal year 1996.

1 **SEC. 106. ADDITIONAL AUTHORIZATION AND CORRESPOND-**  
2 **ING REDUCTION.**

3 (a) *AUTHORIZATION.*—*In addition to amounts author-*  
4 *ized by section 102(a)(3), there are authorized to be appro-*  
5 *priated to the National Aeronautics and Space Administra-*  
6 *tion for fiscal year 1996 for Mission to Planet Earth*  
7 *\$274,360,000, to be derived from amounts otherwise author-*  
8 *ized by this Act.*

9 (b) *OPERATING PLAN.*—*The Administrator shall,*  
10 *within 30 days after the later of—*

11 (1) *the date of the enactment of this Act; and*

12 (2) *the date of the enactment of the Act making*  
13 *appropriations for the National Aeronautics and*  
14 *Space Administration for fiscal year 1996,*

15 *transmit to the Committee on Science of the House of Rep-*  
16 *resentatives and the Committee on Commerce, Science, and*  
17 *Transportation of the Senate an operating plan which iden-*  
18 *tifies which amounts will be transfered purusant to sub-*  
19 *section (a).*

20 (c) *LIMITATION ON OBLIGATION AND EXPENDITURE.*—  
21 *None of the funds authorized by subsection (a) shall be*  
22 *available for obligation or expenditure until—*

23 (1) *the National Academy of Sciences has con-*  
24 *ducted a comprehensive review of the Mission to Plan-*  
25 *et Earth program as part of its study of the United*  
26 *States Global Change Research Program;*

1           (2) *the Administrator has reported to the Com-*  
2           *mittee on Science of the House of Representatives and*  
3           *the Committee on Commerce, Science, and Transpor-*  
4           *tation of the Senate a plan for implementing the*  
5           *study's recommendations and a formal request for all*  
6           *or part of such funds; and*

7           (3) *90 legislative days have passed after the re-*  
8           *port is transmitted under paragraph (2).*

9   **SEC. 107. LIMITED AVAILABILITY.**

10       *Nothing in this Act shall interfere with the rights of*  
11       *any parties under contracts. Nothing in this Act shall pre-*  
12       *clude the Consortium for International Earth Science Infor-*  
13       *mation Network from receiving a contract awarded follow-*  
14       *ing a full and open competition.*

15   **Subtitle B—Restructuring the Na-**  
16       **tional Aeronautics and Space**  
17       **Administration**

18   **SEC. 111. FINDINGS.**

19       *The Congress finds that—*

20           (1) *the restructuring of the National Aeronautics*  
21           *and Space Administration is essential to accomplish-*  
22           *ing the space missions of the United States while si-*  
23           *multaneously balancing the Federal budget;*

24           (2) *to restructure the National Aeronautics and*  
25           *Space Administration rapidly without reducing mis-*



1        *sion content and safety requires objective financial*  
2        *judgment;*

3            *(3) no effort has been undertaken by the National*  
4        *Aeronautics and Space Administration to perform a*  
5        *formal economic review of its missions and the Fed-*  
6        *eral assets that support them;*

7            *(4) therefore it is premature and unwarranted to*  
8        *attempt closing any National Aeronautics and Space*  
9        *Administration field center until an asset-based re-*  
10       *view of United States space missions and capabilities*  
11       *to support them is performed; and*

12           *(5) cost savings from the closing of National Aer-*  
13        *onautics and Space Administration field centers are*  
14        *speculative and potentially injurious to mission goals,*  
15        *unless derived from an asset-based analysis.*

16    **SEC. 112. ASSET-BASED REVIEW.**

17        *(a) REQUEST FOR PROPOSALS.—Not later than 30*  
18        *days after the date of the enactment of this Act, the Admin-*  
19        *istrator shall publish in the Commerce Business Daily a*  
20        *request for proposals to perform a National Aeronautics*  
21        *and Space Administration asset-based review.*

22        *(b) QUALIFIED PROPOSALS.—Qualified proposals to*  
23        *perform the asset-based review under this section shall be*  
24        *from United States persons whose primary business is cor-*  
25        *porate financial strategy, investment banking, accounting,*

1 *or asset management. All proposals shall, at a minimum,*  
2 *propose to review, for each capital asset owned by the Na-*  
3 *tional Aeronautics and Space Administration—*

4 *(1) its primary function or purpose in relation-*  
5 *ship to a program, mission, or activity of the Na-*  
6 *tional Aeronautics and Space Administration;*

7 *(2) the existence of other capital assets which du-*  
8 *plicate or overlap with such function or purpose;*

9 *(3) the Federal and non-Federal users thereof;*  
10 *and*

11 *(4) its necessity to carry out a program, mission,*  
12 *or activity of the National Aeronautics and Space*  
13 *Administration.*

14 *(c) REPORT.—The contractor selected to perform the*  
15 *asset-based review under this section shall complete such re-*  
16 *view and transmit to the Administrator and the Congress,*  
17 *no later than July 31, 1996, a report containing, at a mini-*  
18 *mum—*

19 *(1) for each National Aeronautics and Space Ad-*  
20 *ministration field center facility—*

21 *(A) a list of capital assets that should be*  
22 *permanently retired or disposed of;*

23 *(B) a list of capital assets that may be*  
24 *transferred to non-Federal institutions and cor-*

1        *porations, if the transfer of such asset is cost ef-*  
2        *fective; and*

3                *(C) a list of capital assets essential to the*  
4        *conduct of National Aeronautics and Space Ad-*  
5        *ministration programs, missions, or activities,*  
6        *and a justification for retaining the asset;*

7        *(2) for each National Aeronautics and Space Ad-*  
8        *ministration program element—*

9                *(A) a list of capital assets essential to the*  
10        *conduct of the program element; and*

11               *(B) a plan for achieving the most cost-effec-*  
12        *tive consolidation and efficient use of necessary*  
13        *capital assets to support such program element,*  
14        *including the use of non-Federal assets where ap-*  
15        *propriate; and*

16        *(3) for each National Aeronautics and Space Ad-*  
17        *ministration capital asset—*

18               *(A) the total annual cost of maintaining*  
19        *and operating such capital asset, including Fed-*  
20        *eral employee and contractor costs;*

21               *(B) the depreciated cost, replacement cost,*  
22        *and salvage value; and*

23               *(C) the most cost-effective strategy for main-*  
24        *taining, replacing, upgrading, or disposing of*  
25        *the capital asset, as appropriate.*

1       (d) *IMPLEMENTATION.*—The Administrator shall con-  
2 sider the results of the asset-based review conducted under  
3 this section, and based on the Administrator’s recommenda-  
4 tions, the President shall propose to Congress legislation re-  
5 quired to implement those recommendations no later than  
6 September 30, 1996.

7       (e) *CLOSING OF FIELD CENTERS.*—The Administrator  
8 shall not close any National Aeronautics and Space Admin-  
9 istration field center until after the asset-based review re-  
10 port is transmitted under subsection (c), and may only close  
11 field centers that would become obsolete as a result of the  
12 implementation of the Administrator’s recommendations,  
13 and may do so only after enactment of legislation imple-  
14 menting those recommendations.

15               ***Subtitle C—Limitations and***  
16               ***Special Authority***

17       ***SEC. 121. USE OF FUNDS FOR CONSTRUCTION.***

18       (a) *AUTHORIZED USES.*—Funds appropriated under  
19 sections 101(a), 102(a), and 103 (1) and (2), and funds  
20 appropriated for research operations support under section  
21 103(4), may be used for the construction of new facilities  
22 and additions to, repair of, rehabilitation of, or modifica-  
23 tion of existing facilities at any location in support of the  
24 purposes for which such funds are authorized.

1       (b) *LIMITATION.*—None of the funds used pursuant to  
2 subsection (a) may be expended for a project, the estimated  
3 cost of which to the National Aeronautics and Space Ad-  
4 ministration, including collateral equipment, exceeds  
5 \$500,000, until 30 days have passed after the Administrator  
6 has notified the Committee on Science of the House of Rep-  
7 resentatives and the Committee on Commerce, Science, and  
8 Transportation of the Senate of the nature, location, and  
9 estimated cost to the National Aeronautics and Space Ad-  
10 ministration of such project.

11       (c) *TITLE TO FACILITIES.*—If funds are used pursuant  
12 to subsection (a) for grants to institutions of higher edu-  
13 cation, or to nonprofit organizations whose primary pur-  
14 pose is the conduct of scientific research, for purchase or  
15 construction of additional research facilities, title to such  
16 facilities shall be vested in the United States unless the Ad-  
17 ministrator determines that the national program of aero-  
18 nautical and space activities will best be served by vesting  
19 title in the grantee institution or organization. Each such  
20 grant shall be made under such conditions as the Adminis-  
21 trator shall determine to be required to ensure that the  
22 United States will receive therefrom benefits adequate to  
23 justify the making of that grant.

1 **SEC. 122. AVAILABILITY OF APPROPRIATED AMOUNTS.**

2 *To the extent provided in appropriations Acts, appro-*  
3 *priations authorized under subtitle A may remain available*  
4 *without fiscal year limitation.*

5 **SEC. 123. REPROGRAMMING FOR CONSTRUCTION OF FA-**  
6 **CILITIES.**

7 (a) *IN GENERAL.*—Appropriations authorized under  
8 any paragraph of section 101(b), 102(b), or 103(3)—

9 (1) *may be varied upward by 10 percent in the*  
10 *discretion of the Administrator; or*

11 (2) *may be varied upward by 25 percent, to meet*  
12 *unusual cost variations, after the expiration of 15*  
13 *days following a report on the circumstances of such*  
14 *action by the Administrator to the Committee on*  
15 *Science of the House of Representatives and the Com-*  
16 *mittee on Commerce, Science, and Transportation of*  
17 *the Senate.*

18 *The aggregate amount authorized to be appropriated under*  
19 *sections 101(b), 102(b) and 103(3) shall not be increased*  
20 *as a result of actions authorized under paragraphs (1) and*  
21 *(2) of this subsection.*

22 (b) *SPECIAL RULE.*—Where the Administrator deter-  
23 mines that new developments in the national program of  
24 aeronautical and space activities have occurred; and that  
25 such developments require the use of additional funds for  
26 the purposes of construction, expansion, or modification of

1 facilities at any location; and that deferral of such action  
2 until the enactment of the next National Aeronautics and  
3 Space Administration Authorization Act would be incon-  
4 sistent with the interest of the Nation in aeronautical and  
5 space activities, the Administrator may use up to  
6 \$10,000,000 of the amounts authorized under section  
7 101(b), 102(b), or 103(3) for each fiscal year for such pur-  
8 poses. No such funds may be obligated until a period of  
9 30 days has passed after the Administrator has transmitted  
10 to the Committee on Commerce, Science, and Transpor-  
11 tation of the Senate and the Committee on Science of the  
12 House of Representatives a written report describing the na-  
13 ture of the construction, its costs, and the reasons therefor.

14 **SEC. 124. CONSIDERATION BY COMMITTEES.**

15 Notwithstanding any other provision of law—

16 (1) no amount appropriated to the National Aer-  
17 onautics and Space Administration may be used for  
18 any program for which the President's annual budget  
19 request included a request for funding, but for which  
20 the Congress denied or did not provide funding;

21 (2) no amount appropriated to the National Aer-  
22 onautics and Space Administration may be used for  
23 any program in excess of the amount actually author-  
24 ized for the particular program by subtitle A; and

1           (3) *no amount appropriated to the National Aer-*  
2           *onautics and Space Administration may be used for*  
3           *any program which has not been presented to the*  
4           *Congress in the President's annual budget request or*  
5           *the supporting and ancillary documents thereto,*  
6           *unless a period of 30 days has passed after the receipt by*  
7           *the Committee on Science of the House of Representatives*  
8           *and the Committee on Commerce, Science, and Transpor-*  
9           *tation of the Senate of notice given by the Administrator*  
10          *containing a full and complete statement of the action pro-*  
11          *posed to be taken and the facts and circumstances relied*  
12          *upon in support of such proposed action. The National Aer-*  
13          *onautics and Space Administration shall keep the Commit-*  
14          *tee on Science of the House of Representatives and the Com-*  
15          *mittee on Commerce, Science, and Transportation of the*  
16          *Senate fully and currently informed with respect to all ac-*  
17          *tivities and responsibilities within the jurisdiction of those*  
18          *committees. Except as otherwise provided by law, any Fed-*  
19          *eral department, agency, or independent establishment shall*  
20          *furnish any information requested by either committee re-*  
21          *lating to any such activity or responsibility.*

22       **SEC. 125. LIMITATION ON OBLIGATION OF UNAUTHORIZED**  
23                               **APPROPRIATIONS.**

24           (a) *REPORTS TO CONGRESS.*—Not later than 30 days  
25          *after the later of the date of enactment of an Act making*



1 *appropriations to the National Aeronautics and Space Ad-*  
2 *ministration for fiscal year 1996 and the date of enactment*  
3 *of this Act, the Administrator shall submit a report to Con-*  
4 *gress and to the Comptroller General which specifies—*

5 *(1) the portion of such appropriations which are*  
6 *for programs, projects, or activities not authorized*  
7 *under subtitle A of this title, or which are in excess*  
8 *of amounts authorized for the relevant program,*  
9 *project, or activity under this Act; and*

10 *(2) the portion of such appropriations which are*  
11 *authorized under this Act.*

12 *(b) FEDERAL REGISTER NOTICE.—The Administrator*  
13 *shall, coincident with the submission of the report required*  
14 *by subsection (a), publish in the Federal Register a notice*  
15 *of all programs, projects, or activities for which funds are*  
16 *appropriated but which were not authorized under this Act,*  
17 *and solicit public comment thereon regarding the impact*  
18 *of such programs, projects, or activities on the conduct and*  
19 *effectiveness of the national aeronautics and space program.*

20 *(c) LIMITATION.—Notwithstanding any other provi-*  
21 *sion of law, no funds may be obligated for any programs,*  
22 *projects, or activities of the National Aeronautics and Space*  
23 *Administration for fiscal year 1996 not authorized under*  
24 *this Act until 30 days have passed after the close of the*

1 *public comment period contained in the notice required in*  
2 *subsection (b).*

3 ***SEC. 126. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS***  
4 ***OR EXTRAORDINARY EXPENSES.***

5 *Not more than \$30,000 of the funds appropriated*  
6 *under section 102 may be used for scientific consultations*  
7 *or extraordinary expenses, upon the authority of the Ad-*  
8 *ministrator.*

9 ***SEC. 127. LIMITATION ON TRANSFERS TO RUSSIA.***

10 *(a) LIMITATION.—No funds authorized to be appro-*  
11 *priated to the National Aeronautics and Space Administra-*  
12 *tion for fiscal year 1996 may be paid or otherwise trans-*  
13 *ferred to Russia unless—*

14 *(1) the payment or transfer is authorized by this*  
15 *Act;*

16 *(2) the payment or transfer is made in exchange*  
17 *for goods or services that have been provided to the*  
18 *National Aeronautics and Space Administration in*  
19 *accordance with a written agreement between the Na-*  
20 *tional Aeronautics and Space Administration and*  
21 *Russia;*

22 *(3) the Government of the Russian Federation*  
23 *agrees to provide a monthly report to the National*  
24 *Aeronautics and Space Administration during the*  
25 *term of such written agreement, that fully accounts*

1       *for the disposition of the funds paid or transferred,*  
2       *including information with respect to the preceding*  
3       *month on—*

4               *(A) the amount of the funds received, and*  
5               *the date of receipt;*

6               *(B) the amount of the funds converted from*  
7               *United States currency, the currency into which*  
8               *the funds have been converted, and the date and*  
9               *rate of conversion;*

10              *(C) the amount of non-United States cur-*  
11              *rency, and of United States currency, that is dis-*  
12              *bursed to any contractor or subcontractor, the*  
13              *identity of such contractor or subcontractor, and*  
14              *the date of disbursement; and*

15              *(D) the balance of the funds not disbursed*  
16              *as of the date of the report;*

17              *(4) Russia has provided all monthly reports with*  
18              *respect to which an agreement was made pursuant to*  
19              *paragraph (3); and*

20              *(5) the President, before such payment or trans-*  
21              *fer and annually upon submission of the President's*  
22              *budget request for fiscal years after fiscal year 1996,*  
23              *has certified to the Congress that—*

1           (A) the presence of any troops of the Rus-  
 2           sian Federation or the Commonwealth of Inde-  
 3           pendent States; and

4           (B) any action by the Russian Federation  
 5           or the Commonwealth of Independent States,  
 6           in Estonia, Latvia, Lithuania, or any other inde-  
 7           pendent state of the former Soviet Union do not vio-  
 8           late the sovereignty of those independent states.

9           (b) *DEFINITION.*—For purposes of this section, the  
 10          term “Russia” means the Government of the Russian Fed-  
 11          eration, the Russian Space Agency, or any agency or in-  
 12          strumentality of the Government of the Russian Federation  
 13          or the Russian Space Agency.

## 14           **TITLE II—MISCELLANEOUS** 15           **PROVISIONS**

### 16          **SEC. 201. COMMERCIAL SPACE LAUNCH AMENDMENTS.**

17          (a) *AMENDMENTS.*—Chapter 701 of title 49, United  
 18          States Code, is amended—

19               (1) in the table of sections—

20                       (A) by amending the item relating to sec-  
 21                       tion 70104 to read as follows:

“70104. Restrictions on launches, operations, and reentries.”;

22                       (B) by amending the item relating to sec-  
 23                       tion 70108 to read as follows:

“70108. Prohibition, suspension, and end of launches, operation of launch sites  
 and reentry sites, and reentries.”;

1           *and*

2                   *(C) by amending the item relating to sec-*  
3           *tion 70109 to read as follows:*

*“70109. Preemption of scheduled launches or reentries.”;*

4           *(2) in section 70101—*

5                   *(A) by inserting “microgravity research,”*  
6           *after “information services,” in subsection (a)(3);*

7                   *(B) by inserting “, reentry,” after “launch-*  
8           *ing” both places it appears in subsection (a)(4);*

9                   *(C) by inserting “, reentry vehicles,” after*  
10          *“launch vehicles” in subsection (a)(5);*

11                  *(D) by inserting “and reentry services”*  
12          *after “launch services” in subsection (a)(6);*

13                  *(E) by inserting “, reentries,” after*  
14          *“launches” both places it appears in subsection*  
15          *(a)(7);*

16                  *(F) by inserting “, reentry sites,” after*  
17          *“launch sites” in subsection (a)(8);*

18                  *(G) by inserting “and reentry services”*  
19          *after “launch services” in subsection (a)(8);*

20                  *(H) by inserting “reentry sites,” after*  
21          *“launch sites,” in subsection (a)(9);*

22                  *(I) by inserting “and reentry site” after*  
23          *“launch site” in subsection (a)(9);*

24                  *(J) by inserting “, reentry vehicles,” after*  
25          *“launch vehicles” in subsection (b)(2);*

1           (K) by striking “launch” in subsection  
2           (b)(2)(A);

3           (L) by inserting “and reentry” after “com-  
4           mercial launch” in subsection (b)(3);

5           (M) by striking “launch” after “and trans-  
6           fer commercial” in subsection (b)(3); and

7           (N) by inserting “and development of re-  
8           entry sites,” after “launch-site support facili-  
9           ties,” in subsection (b)(4);  
10          (3) in section 70102—

11          (A) by inserting “from Earth” after “and  
12          any payload” in paragraph (3);

13          (B) by redesignating paragraphs (10)  
14          through (12) as paragraphs (14) through (16),  
15          respectively;

16          (C) by inserting after paragraph (9) the fol-  
17          lowing new paragraphs:

18          “(10) ‘reenter’ and ‘reentry’ mean to return or  
19          attempt to return, purposefully, a reentry vehicle and  
20          its payload, if any, from Earth orbit, from exo-atmos-  
21          pheric flight, or from outer space to Earth.

22          “(11) ‘reentry services’ means—

23                  “(A) activities involved in the preparation  
24                  of a reentry vehicle and its payload, if any, for  
25                  reentry; and

1           “(B) the conduct of a reentry.

2           “(12) ‘reentry site’ means the location on Earth  
3           to which a reentry vehicle is intended to return (as  
4           defined in a license the Secretary issues or transfers  
5           under this chapter).

6           “(13) ‘reentry vehicle’ means a vehicle designed  
7           to return from Earth orbit or outer space to Earth,  
8           or a reusable launch vehicle designed to return from  
9           outer space or exo-atmospheric flight to Earth, sub-  
10          stantially intact.”; and

11          (D) by inserting “or reentry services” after  
12          “launch services” each place it appears in para-  
13          graph (15), as so redesignated by subparagraph  
14          (B) of this paragraph;

15          (4) in section 70103(b)—

16          (A) by inserting “AND REENTRIES” after  
17          “LAUNCHES” in the subsection heading;

18          (B) by inserting “and reentries” after  
19          “space launches” in paragraph (1); and

20          (C) by inserting “and reentry” after “space  
21          launch” in paragraph (2);

22          (5) in section 70104—

23          (A) by amending the section designation  
24          and heading to read as follows:

1 ***“§ 70104. Restrictions on launches, operations, and re-***  
 2 ***entries”;***

3 (B) by inserting “or reentry site, or reenter  
 4 a reentry vehicle,” after “operate a launch site”  
 5 each place it appears in subsection (a);

6 (C) by inserting “or reentry” after “launch  
 7 or operation” in subsection (a)(3) and (4);

8 (D) in subsection (b)—

9 (i) by striking “launch license” and  
 10 inserting in lieu thereof “license”;

11 (ii) by inserting “or reenter” after  
 12 “may launch”; and

13 (iii) by inserting “or reentering” after  
 14 “related to launching”; and

15 (E) in subsection (c)—

16 (i) by amending the subsection heading  
 17 to read as follows: “*PREVENTING LAUNCHES*  
 18 *AND REENTRIES.—*”;

19 (ii) by inserting “or reentry” after  
 20 “prevent the launch”; and

21 (iii) by inserting “or reentry” after  
 22 “decides the launch”;

23 (6) in section 70105—

24 (A) by inserting “or reentry site, or reentry  
 25 of a reentry vehicle,” after “operation of a  
 26 launch site” in subsection (b)(1); and



1 (B) by striking “or operation” and insert-  
 2 ing in lieu thereof “, operation, or reentry” in  
 3 subsection (b)(2)(A);

4 (7) in section 70106(a)—

5 (A) by inserting “or reentry site” after “ob-  
 6 server at a launch site”; and

7 (B) by inserting “or reentry vehicle” after  
 8 “assemble a launch vehicle”;

9 (8) in section 70108—

10 (A) by amending the section designation  
 11 and heading to read as follows:

12 **“§ 70108. Prohibition, suspension, and end of**  
 13 **launches, operation of launch sites and**  
 14 **reentry sites, and reentries”;**

15 and

16 (B) in subsection (a)—

17 (i) by inserting “or reentry site, or re-  
 18 entry of a reentry vehicle,” after “operation  
 19 of a launch site”; and

20 (ii) by inserting “or reentry” after  
 21 “launch or operation”;

22 (9) in section 70109—

23 (A) by amending the section designation  
 24 and heading to read as follows:

1 **“§ 70109. Preemption of scheduled launches or reen-**  
 2 **tries”;**

3 (B) in subsection (a)—

4 (i) by inserting “or reentry” after “en-  
 5 sure that a launch”;

6 (ii) by inserting “, reentry site,” after  
 7 “United States Government launch site”;

8 (iii) by inserting “or reentry date com-  
 9 mitment” after “launch date commitment”;

10 (iv) by inserting “or reentry” after  
 11 “obtained for a launch”;

12 (v) by inserting “, reentry site,” after  
 13 “access to a launch site”;

14 (vi) by inserting “, or services related  
 15 to a reentry,” after “amount for launch  
 16 services”; and

17 (vii) by inserting “or reentry” after  
 18 “the scheduled launch”; and

19 (C) in subsection (c), by inserting “or re-  
 20 entry” after “prompt launching”;

21 (10) in section 70110—

22 (A) by inserting “or reentry” after “prevent  
 23 the launch” in subsection (a)(2); and

24 (B) by inserting “or reentry site, or reentry  
 25 of a reentry vehicle,” after “operation of a  
 26 launch site” in subsection (a)(3)(B);

1           (11) in section 70111—

2                 (A) by inserting “and reentry services”  
3 after “launch services” in subsection (a)(1)(B);

4                 (B) by inserting “or reentry services” after  
5 “or launch services” in subsection (a)(2);

6                 (C) by inserting “or reentry” after “com-  
7 mercial launch” both places it appears in sub-  
8 section (b)(1);

9                 (D) by inserting “or reentry services” after  
10 “launch services” in subsection (b)(2)(C);

11                (E) by striking “or its payload for launch”  
12 in subsection (d) and inserting in lieu thereof  
13 “or reentry vehicle, or the payload of either, for  
14 launch or reentry”; and

15                (F) by inserting “; reentry vehicle,” after  
16 “manufacturer of the launch vehicle” in sub-  
17 section (d);

18           (12) in section 70112—

19                 (A) by inserting “or reentry” after “one  
20 launch” in subsection (a)(3);

21                 (B) by inserting “or reentry services” after  
22 “launch services” in subsection (a)(4);

23                 (C) by inserting “or reentry services” after  
24 “launch services” each place it appears in sub-  
25 section (b);

1           (D) by striking “, Space, and Technology”  
 2           in subsection (d)(1);

3           (E) by inserting “OR REENTRIES” after  
 4           “LAUNCHES” in the heading for subsection (e);  
 5           and

6           (F) by inserting “or reentry site or a re-  
 7           entry” after “launch site” in subsection (e);

8           (13) in section 70113(a)(1) and (d) (1) and (2),  
 9           by inserting “or reentry” after “one launch” each  
 10          place it appears;

11          (14) in section 70115(b)(1)(D)(i)—

12           (A) by inserting “reentry site,” after  
 13           “launch site,”; and

14           (B) by inserting “or reentry vehicle” after  
 15           “launch vehicle” both places it appears;

16          (15) in section 70117—

17           (A) by inserting “or reentry site or reenter  
 18           a reentry vehicle” after “operate a launch site”  
 19           in subsection (a);

20           (B) by inserting “or reentry” after “ap-  
 21           proval of a space launch” in subsection (d);

22           (C) by amending subsection (f) to read as  
 23           follows:

24          “(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN IM-  
 25          PORT.—A launch vehicle, reentry vehicle, or payload that

1 *is launched or reentered is not, because of the launch or*  
2 *reentry, an export or import, respectively, for purposes of*  
3 *a law controlling exports or imports.”; and*

4 *(D) in subsection (g)—*

5 *(i) by striking “operation of a launch*  
6 *vehicle or launch site,” in paragraph (1)*  
7 *and inserting in lieu thereof “reentry, oper-*  
8 *ation of a launch vehicle or reentry vehicle,*  
9 *or operation of a launch site or reentry*  
10 *site,”;*

11 *(ii) by striking “or” at the end of*  
12 *paragraph (1);*

13 *(iii) by inserting “reentry,” after*  
14 *“launch,” in paragraph (2);*

15 *(iv) by striking the period at the end*  
16 *of paragraph (2) and inserting in lieu*  
17 *thereof “; or”; and*

18 *(v) by adding at the end the following*  
19 *new paragraph:*

20 *“(3) any amateur and similar small rocket ac-*  
21 *tivities, as defined by the Secretary by regulation.”;*

22 *(16) in section 70119, by inserting the following*  
23 *after paragraph (2):*

24 *“There are authorized to be appropriated to the Secretary*  
25 *of Transportation \$6,000,000 to carry out this chapter for*

1 *fiscal year 1996. None of the funds authorized by this sec-*  
2 *tion may be expended for policy development or analysis*  
3 *activities not directly related to the Secretary's regulatory*  
4 *responsibilities under this chapter."*

5 (b) *ADDITIONAL AMENDMENTS.—(1) Section 70105 of*  
6 *title 49, United States Code, is amended—*

7 (A) *by inserting "(1)" before "A person may*  
8 *apply" in subsection (a);*

9 (B) *by striking "receiving an application" both*  
10 *places it appears in subsection (a) and inserting in*  
11 *lieu thereof "accepting an application in accordance*  
12 *with criteria established pursuant to subsection*  
13 *(b)(2)(D)";*

14 (C) *by adding at the end of subsection (a) the*  
15 *following new paragraph:*

16 *"(2) In carrying out paragraph (1), the Secretary may*  
17 *establish procedures for certification of the safety of a*  
18 *launch vehicle, reentry vehicle, or safety system, procedure,*  
19 *service, or personnel that may be used in conducting li-*  
20 *censed commercial space launch or reentry activities."*

21 (D) *by striking "and" at the end of subsection*  
22 *(b)(2)(B);*

23 (E) *by striking the period at the end of sub-*  
24 *section (b)(2)(C) and inserting in lieu thereof ";*  
25 *and";*

1           (F) by adding at the end of subsection (b)(2) the  
2           following new subparagraph:

3           “(D) regulations establishing criteria for accept-  
4           ing or rejecting an application for a license under  
5           this chapter within 60 days after receipt of such ap-  
6           plication.”; and

7           (G) by inserting “, or the requirement to obtain  
8           a license,” after “waive a requirement” in subsection  
9           (b)(3).

10          (2) The amendment made by paragraph (1)(B) shall  
11          take effect upon the effective date of final regulations issued  
12          pursuant to section 70105(b)(2)(D) of title 49, United  
13          States Code, as added by paragraph (1)(F) of this sub-  
14          section.

15          (3) Section 70102(5) of title 49, United States Code,  
16          is amended—

17               (A) by redesignating subparagraphs (A) and (B)  
18               as subparagraphs (B) and (C), respectively; and

19               (B) by inserting before subparagraph (B), as so  
20               redesignated by subparagraph (A) of this paragraph,  
21               the following new subparagraph:

22                       “(A) activities directly related to the prepa-  
23                       ration of a launch site or payload facility for  
24                       one or more launches;”.

1       (4) *Section 70103(b) of title 49, United States Code,*  
2 *is amended—*

3           (A) *in the subsection heading, as amended by*  
4 *subsection (a)(4)(A) of this section, by inserting “AND*  
5 *STATE SPONSORED SPACEPORTS” after “AND REEN-*  
6 *TRIES”;* and

7           (B) *in paragraph (1), by inserting “and State*  
8 *sponsored spaceports” after “private sector”.*

9       (5) *Section 70105(a)(1) of title 49, United States Code,*  
10 *as amended by subsection (b)(1) of this section, is amended*  
11 *by inserting at the end the following: “The Secretary shall*  
12 *submit to the Committee on Science of the House of Rep-*  
13 *resentatives and the Committee on Commerce, Science, and*  
14 *Transportation of the Senate a written notice not later than*  
15 *7 days after any occurrence when a license is not issued*  
16 *within the deadline established by this subsection.”.*

17       (6) *Section 70111 of title 49, United States Code, is*  
18 *amended—*

19           (A) *in subsection (a)(1), by inserting after sub-*  
20 *paragraph (B) the following:*

21 *“The Secretary shall establish criteria and procedures for*  
22 *determining the priority of competing requests from the pri-*  
23 *vate sector and State governments for property and services*  
24 *under this section.”;*



1           (B) by striking “actual costs” in subsection  
 2           (b)(1) and inserting in lieu thereof “additive costs  
 3           only”; and

4           (C) by inserting after subsection (b)(2) the fol-  
 5           lowing new paragraph:

6           “(3) The Secretary shall ensure the establishment of  
 7           uniform guidelines for, and consistent implementation of,  
 8           this section by all Federal agencies.”.

9           (7) Section 70112 of title 49, United States Code, is  
 10          amended—

11           (A) in subsection (a)(1), by inserting “launch,  
 12           reentry, or site operator” after “(1) When a”;

13           (B) in subsection (b)(1), by inserting “launch,  
 14           reentry, or site operator” after “(1) A”; and

15           (C) in subsection (f), by inserting “launch, re-  
 16           entry, or site operator” after “carried out under a”.

17   **SEC. 202. OFFICE OF AIR AND SPACE COMMERCIALIZATION**  
 18                           **AUTHORIZATION.**

19           There are authorized to be appropriated to the Sec-  
 20           retary of Commerce for the activities of the Office of Air  
 21           and Space Commercialization, \$457,000 for fiscal year  
 22           1996.

1 **SEC. 203. REQUIREMENT FOR INDEPENDENT COST**  
2 **ANALYSIS.**

3 *The Chief Financial Officer for the National Aero-*  
4 *nautics and Space Administration shall be responsible for*  
5 *conducting independent cost analyses of all new projects es-*  
6 *timated to cost more than \$5,000,000 and shall report the*  
7 *results annually to Congress at the time of the submission*  
8 *of the President's budget request. In developing cost ac-*  
9 *counting and reporting standards for carrying out this sec-*  
10 *tion, the Chief Financial Officer shall, to the extent prac-*  
11 *ticable and consistent with other laws, solicit the advice of*  
12 *expertise outside of the National Aeronautics and Space Ad-*  
13 *ministration.*

14 **SEC. 204. NATIONAL AERONAUTICS AND SPACE ACT OF 1958**  
15 **AMENDMENTS.**

16 (a) *DECLARATION OF POLICY AND PURPOSE.*—Section  
17 *102 of the National Aeronautics and Space Act of 1958 (42*  
18 *U.S.C. 2451) is amended—*

19 (1) *by striking subsection (e) and redesignating*  
20 *subsections (f) through (h) as subsections (e) through*  
21 *(g), respectively; and*

22 (2) *in subsection (g), as so redesignated by para-*  
23 *graph (1) of this subsection, by striking “(f), and (g)”*  
24 *and inserting in lieu thereof “and (f)”.*

1       (b) *REPORTS TO THE CONGRESS*.—Section 206(a) of  
2   the National Aeronautics and Space Act of 1958 (42 U.S.C.  
3   2476(a)) is amended—

4           (1) by striking “January” and inserting in lieu  
5       thereof “May”; and

6           (2) by striking “calendar” and inserting in lieu  
7       thereof “fiscal”.

8       (c) *DISCLOSURE OF TECHNICAL DATA*.—Section 303  
9   of the National Aeronautics and Space Act of 1958 (42  
10   U.S.C. 2454) is amended—

11           (1) in subsection (a)(C), by inserting “or (c)”  
12       after “subsection (b)”;

13           (2) by adding at the end the following new sub-  
14       section:

15       “(c)(1) The Administration may delay for a period not  
16   to exceed 5 years the unrestricted public disclosure of tech-  
17   nical data in the possession of, or under the control of, the  
18   Administration that has been generated in the performance  
19   of experimental, developmental, or research activities or  
20   programs funded jointly by the Administration and the pri-  
21   vate sector.

22       “(2) Within 1 year after the date of the enactment of  
23   the National Aeronautics and Space Administration Au-  
24   thorization Act, Fiscal Year 1996, the Administrator shall

1 *issue regulations to carry out this subsection. Paragraph*  
2 *(1) shall not take effect until such regulations are issued.*

3 *“(3) Regulations issued pursuant to paragraph (2)*  
4 *shall include—*

5 *“(A) guidelines for a determination of whether*  
6 *data is technical data within the meaning of this sub-*  
7 *section;*

8 *“(B) a requirement that a determination de-*  
9 *scribed in subparagraph (A) that particular data is*  
10 *technical data shall be reported to the Committee on*  
11 *Science of the House of Representatives and the Com-*  
12 *mittee on Commerce, Science, and Transportation of*  
13 *the Senate;*

14 *“(C) provisions to ensure that technical data is*  
15 *available for dissemination within the United States*  
16 *to United States persons and entities in furtherance*  
17 *of the objective of maintaining leadership or competi-*  
18 *tiveness in civil and governmental aeronautical and*  
19 *space activities by the United States industrial base;*  
20 *and*

21 *“(D) a specification of the period or periods for*  
22 *which the delay in unrestricted public disclosure of*  
23 *technical data is to apply to various categories of*  
24 *such data, and the restrictions on disclosure of such*  
25 *data during such period or periods, including a re-*

1        *quirement that the maximum 5-year protection under*  
2        *this subsection shall not be provided unless at least 50*  
3        *percent of the funding for the activities or programs*  
4        *is provided by the private sector.*

5        *“(4) Along with the initial publication of proposed reg-*  
6        *ulations under paragraph (2), the Administrator shall in-*  
7        *clude a list of those experimental, developmental, or re-*  
8        *search activities or programs conducted by, or funded in*  
9        *whole or in part by, the Administration that may result*  
10       *in products or processes of significant value in maintaining*  
11       *leadership or competitiveness in civil and governmental*  
12       *aeronautical and space activities by the United States in-*  
13       *dustrial base. Such list shall be updated biannually.*

14       *“(5) For purposes of this subsection, the term ‘tech-*  
15       *nical data’ means any recorded information, including*  
16       *computer software, that is or may be directly applicable*  
17       *to the design, engineering, development, production, manu-*  
18       *facture, or operation of products or processes that may have*  
19       *significant value in maintaining leadership or competitive-*  
20       *ness in civil and governmental aeronautical and space ac-*  
21       *tivities by the United States industrial base.”.*

22       **SEC. 205. PROCUREMENT.**

23       *(a) PROCUREMENT DEMONSTRATION PROGRAM.—*

24                *(1) IN GENERAL.—The Administrator shall es-*  
25        *tablish within the Office of Space Access and Tech-*

1     *nology a program of expedited technology procure-*  
2     *ment for the purpose of demonstrating how innovative*  
3     *technology concepts can rapidly be brought to bear*  
4     *upon space missions of the National Aeronautics and*  
5     *Space Administration.*

6             (2) *PROCEDURES AND EVALUATION.*—*The Ad-*  
7     *ministrator shall establish procedures for actively*  
8     *seeking from persons outside the National Aeronautics*  
9     *and Space Administration innovative technology con-*  
10    *cepts relating to the provision of space hardware,*  
11    *technology, or services to the National Aeronautics*  
12    *and Space Administration, and for the evaluation of*  
13    *such concepts by the National Aeronautics and Space*  
14    *Administration's Advisory Council against mission*  
15    *requirements.*

16            (3) *REQUIREMENT.*—*At least 1 percent of*  
17    *amounts authorized to be appropriated under section*  
18    *102(a)(4) shall be used for innovative technology pro-*  
19    *curements that are determined under paragraph (2)*  
20    *of this subsection to meet mission requirements.*

21            (4) *SPECIAL AUTHORITY.*—*In order to carry out*  
22    *this subsection the Administrator shall recruit and*  
23    *hire for limited term appointments persons from out-*  
24    *side the National Aeronautics and Space Administra-*  
25    *tion with special expertise and experience related to*

1     *the innovative technology concepts with respect to*  
2     *which procurements are made under this subsection.*

3             (5) *SUNSET.—This subsection shall cease to be*  
4     *effective 10 years after the date of its enactment.*

5     (b) *TECHNOLOGY PROCUREMENT INITIATIVE.—*

6             (1) *IN GENERAL.—The Administrator shall co-*  
7     *ordinate National Aeronautics and Space Adminis-*  
8     *tration resources in the areas of procurement, com-*  
9     *mercial programs, and advanced technology in order*  
10    *to—*

11            (A) *fairly assess and procure commercially*  
12            *available technology from the marketplace in the*  
13            *most efficient manner practicable;*

14            (B) *achieve a continuous pattern of inte-*  
15            *grating advanced technology from the commer-*  
16            *cial sector, and from Federal sources outside the*  
17            *National Aeronautics and Space Administration,*  
18            *into the missions and programs of the National*  
19            *Aeronautics and Space Administration;*

20            (C) *incorporate private sector buying and*  
21            *bidding procedures, including fixed price con-*  
22            *tracts, into procurements; and*

23            (D) *provide incentives for cost-plus contrac-*  
24            *tors of the National Aeronautics and Space Ad-*  
25            *ministration to integrate commercially available*

1           *technology in subsystem contracts on a fixed-*  
2           *price basis.*

3           (2) *CERTIFICATION.*—Upon solicitation of any  
4           *procurement for space hardware, technology, or serv-*  
5           *ices that are not commercially available, the Adminis-*  
6           *trator shall certify, by publication of a notice and op-*  
7           *portunity to comment in the Commerce Business*  
8           *Daily, for each such procurement action, that no*  
9           *functional equivalent, commercially available space*  
10          *hardware, technology, or service exists and that no*  
11          *commercial method of procurement is available.*

12   **SEC. 206. ADDITIONAL NATIONAL AERONAUTICS AND**  
13                   **SPACE ADMINISTRATION FACILITIES.**

14          *The Administrator shall not construct or enter into a*  
15          *new lease for facilities to support National Aeronautics and*  
16          *Space Administration programs unless the Administrator*  
17          *has certified to the Congress that the Administrator has re-*  
18          *viewed existing National Aeronautics and Space Adminis-*  
19          *tration and other federally owned facilities, including mili-*  
20          *tary facilities scheduled for closing or reduction, and found*  
21          *no such facilities appropriate for the intended use.*

22   **SEC. 207. PURCHASE OF SPACE SCIENCE DATA.**

23          (a) *IN GENERAL.*—To the maximum extent possible,  
24          *the National Aeronautics and Space Administration shall*  
25          *purchase from the private sector space science data. Exam-*



1 *ples of such data include scientific data concerning the ele-*  
2 *mental and mineralogical resources of the moon and the*  
3 *planets, Earth environmental data obtained through remote*  
4 *sensing observations, and solar storm monitoring.*

5 *(b) COMPETITIVE BIDDING.—(1) Contracts for the*  
6 *purchase of space data under this section shall be awarded*  
7 *in a process of full, fair, and open competitive bidding.*

8 *(2) Submission of cost data, either for the purposes of*  
9 *supporting the bid or fulfillment of the contract, shall not*  
10 *be required of bidders.*

11 *(3) Conformance with military specifications*  
12 *(Milspec) or National Aeronautics and Space Administra-*  
13 *tion specifications systems with respect to the design, con-*  
14 *struction, or operation of equipment used in obtaining*  
15 *space science data under contracts entered into under this*  
16 *section shall not be a requirement for a commercial provider*  
17 *bidding to provide such services.*

18 *(4) Contracts under this section shall not provide for*  
19 *the Federal Government to obtain ownership of data not*  
20 *specifically sought by the Federal Government.*

21 **SEC. 208. REPORT ON MISSION TO PLANET EARTH.**

22 *(a) REQUIREMENT.—The Administrator shall, within*  
23 *6 months after the date of the enactment of this Act, trans-*  
24 *mit to the Congress a report on Mission to Planet Earth.*

1       (b) *CONTENTS.*—*The plan required by subsection (a)*  
2 *shall include—*

3           (1) *an analysis of Earth observation systems of*  
4 *other countries and the ways in which the United*  
5 *States could benefit from such systems, including by*  
6 *eliminating duplication of effort;*

7           (2) *an analysis of how the Department of De-*  
8 *fense’s airborne and space sensor programs could be*  
9 *used in Mission to Planet Earth;*

10          (3) *a plan for infusing advanced technology into*  
11 *the Mission to Planet Earth program, including mile-*  
12 *stones and an identification of available resources;*

13          (4) *a plan to solicit proposals from the private*  
14 *sector on how to innovatively accomplish the most*  
15 *critical research on global climate change;*

16          (5) *an integrated plan for research in the Sci-*  
17 *entific Research and Mission to Planet Earth enter-*  
18 *prises of the National Aeronautics and Space Admin-*  
19 *istration;*

20          (6) *a plan for developing metrics and milestones*  
21 *to quantify the performance of work on Mission to*  
22 *Planet Earth; and*

23          (7) *an analysis of how the United States Govern-*  
24 *ment can—*

1           (A) most effectively utilize space-based and  
2           airborne Earth remote sensing data, services,  
3           distribution, and applications provided by the  
4           United States private sector to meet Government  
5           goals for Mission to Planet Earth; and

6           (B) evaluate and foster commercial data  
7           sources, commercial archiving services, commer-  
8           cial applications, and commercial distribution of  
9           Mission to Planet Earth data.

10 **SEC. 209. SHUTTLE PRIVATIZATION.**

11       (a) *POLICY AND PREPARATION.*—The Administrator  
12 shall prepare for an orderly transition from the Federal op-  
13 eration, or Federal management of contracted operation, of  
14 space transportation systems to the Federal purchase of  
15 commercial space transportation services for all non-  
16 emergency launch requirements, including human, cargo,  
17 and mixed payloads. In those preparations, the Adminis-  
18 trator shall take into account the need for short-term econo-  
19 mies, as well as the goal of restoring the National Aero-  
20 nautics and Space Administration's research focus and its  
21 mandate to promote the fullest possible commercial use of  
22 space. As part of those preparations, the Administrator  
23 shall plan for the potential privatization of the Space Shut-  
24 tle program.

1       (b) *REQUEST FOR PROPOSALS.*—Within 30 days after  
2 the date of the enactment of this Act, the Administrator  
3 shall publish in the Commerce Business Daily a request for  
4 proposals to achieve a single prime contract for the space  
5 shuttle program. The request for proposals shall include—

6           (1) a timetable and milestones for selecting a  
7 single prime contractor not later than September 30,  
8 1996;

9           (2) criteria for selection of the single prime con-  
10 tractor;

11           (3) the annual target cost to be achieved by the  
12 single prime contractor;

13           (4) proposed terms and conditions of the single  
14 prime contract, including fee and incentives for  
15 achieving the target cost, and for savings below the  
16 target cost; and

17           (5) a requirement that each proposal be accom-  
18 panied by a plan by the proposer to privatize the  
19 space shuttle program.

20       (c) *PRIVATIZATION PLANS.*—The Administrator shall  
21 forward all privatization plans received pursuant to sub-  
22 section (b)(5) to the Congress not later than 30 days after  
23 the deadline for submitting proposals under subsection (b).

24       (d) *LIMITATION ON USE OF FUNDS.*—None of the  
25 funds authorized by this Act shall be used to plan or pre-

1 *pare for Federal Government, or federally contracted, oper-*  
 2 *ation of the Space Shuttle beyond the year 2012, nor for*  
 3 *studying, designing, or developing upgrades to the Shuttle*  
 4 *whose sole purpose is to extend the operational life of the*  
 5 *Space Shuttle system beyond 2012. Nothing in this Act shall*  
 6 *preclude the Federal, or federally contracted, operation of*  
 7 *the Space Shuttle through the year 2012, or the privatized*  
 8 *operation of the Space Shuttle after the year 2012.*

9 **SEC. 210. AERONAUTICAL RESEARCH AND TECHNOLOGY**  
 10 **FACILITIES.**

11 *Notwithstanding any other provision of law, no funds*  
 12 *may be obligated for fiscal year 1996 for Aeronautical Re-*  
 13 *search and Technology programs of the National Aero-*  
 14 *navics and Space Administration in excess of amounts au-*  
 15 *thorized by this Act, except to the extent that the Adminis-*  
 16 *trator receives from non-Federal sources full reimbursement*  
 17 *of such excess amounts through payment of costs associated*  
 18 *with research at the aeronautical research and technology*  
 19 *facilities of the National Aeronautics and Space Adminis-*  
 20 *tration.*

21 **SEC. 211. LAUNCH VOUCHER DEMONSTRATION PROGRAM**  
 22 **AMENDMENTS.**

23 *Section 504 of the National Aeronautics and Space*  
 24 *Administration Authorization Act, Fiscal Year 1993 (15*  
 25 *U.S.C. 5803) is amended—*

1           (1) *in subsection (a)—*

2                   (A) *by striking “the Office of Commercial*  
3           *Programs within”; and*

4                   (B) *by striking “Such program shall not be*  
5           *effective after September 30, 1995.”;*

6           (2) *by striking subsection (c); and*

7           (3) *by redesignating subsections (d) and (e) as*  
8           *subsections (c) and (d), respectively.*

9   **SEC. 212. PRIVATIZATION OF MICROGRAVITY PARABOLIC**  
10                   **FLIGHT OPERATIONS.**

11           (a) *FINDING.—The Congress finds that no national se-*  
12           *curity or mission critical justification exists for the Na-*  
13           *tional Aeronautics and Space Administration to maintain*  
14           *its own fleet of aircraft to provide a short duration micro-*  
15           *gravity environment via parabolic flight.*

16           (b) *PRIVATIZATION OF FLIGHT OPERATIONS.—(1) The*  
17           *Administrator shall privatize all parabolic flight aircraft*  
18           *operations conducted by or for the National Aeronautics*  
19           *and Space Administration in support of microgravity re-*  
20           *search, astronaut training, and other functions, through is-*  
21           *suance of one or more long-term, renewable, block purchase*  
22           *contracts for the performance of such operations by United*  
23           *States private sector providers.*

24           (2) *Within 30 days after the date of the enactment of*  
25           *this Act, the Administrator shall issue a request for propos-*

1 *als to provide services as described in paragraph (1). The*  
2 *Administrator shall coordinate the process of review of such*  
3 *proposals, and shall oversee the transfer of such operations*  
4 *to the private sector.*

5 *(3) Within 6 months after the issuance of a request*  
6 *for proposals under paragraph (2), the Administrator shall*  
7 *award one or more contracts for microgravity parabolic*  
8 *flight services, and shall cease all National Aeronautics and*  
9 *Space Administration-operated parabolic aircraft flights,*  
10 *and shall thereafter procure all microgravity parabolic*  
11 *flight services from private sector providers. National Aero-*  
12 *nautics and Space Administration experimenters, and Na-*  
13 *tional Aeronautics and Space Administration-funded ex-*  
14 *perimenters, who would otherwise use National Aeronautics*  
15 *and Space Administration-owned or operated microgravity*  
16 *parabolic flight aircraft, shall be issued vouchers for the*  
17 *procurement of microgravity parabolic flight services from*  
18 *the private sector.*

19 ***SEC. 213. ELIGIBILITY FOR AWARDS.***

20 *(a) IN GENERAL.—The Administrator shall exclude*  
21 *from consideration for awards of financial assistance made*  
22 *by the National Aeronautics and Space Administration*  
23 *after fiscal year 1995 any person who received funds, other*  
24 *than those described in subsection (b), appropriated for a*  
25 *fiscal year after fiscal year 1995, from any Federal funding*

1 *source for a project that was not subjected to a competitive,*  
2 *merit-based award process. Any exclusion from consider-*  
3 *ation pursuant to this section shall be effective for a period*  
4 *of 5 years after the person receives such Federal funds.*

5 *(b) EXCEPTION.—Subsection (a) shall not apply to*  
6 *awards to persons who are members of a class specified by*  
7 *law for which assistance is awarded to members of the class*  
8 *according to a formula provided by law.*

9 **SEC. 214. PROHIBITION OF LOBBYING ACTIVITIES.**

10 *None of the funds authorized by this Act shall be avail-*  
11 *able for any activity whose purpose is to influence legisla-*  
12 *tion pending before the Congress, except that this shall not*  
13 *prevent officers or employees of the United States or of its*  
14 *departments or agencies from communicating to Members*  
15 *of Congress on the request of any Member or to Congress,*  
16 *through the proper channels, requests for legislation or ap-*  
17 *propriations which they deem necessary for the efficient*  
18 *conduct of the public business.*

19 **SEC. 215. LIMITATION ON APPROPRIATIONS.**

20 *(a) EXCLUSIVE AUTHORIZATION FOR FISCAL YEAR*  
21 *1996.—Notwithstanding any other provision of law, no*  
22 *sums are authorized to be appropriated for fiscal year 1996*  
23 *for the activities for which sums are authorized by this Act*  
24 *unless such sums are specifically authorized to be appro-*  
25 *priated by this Act.*



1       (b) *SUBSEQUENT FISCAL YEARS.*—No sums are au-  
 2       thorized to be appropriated for any fiscal year after fiscal  
 3       year 1996 for the activities for which sums are authorized  
 4       by this Act unless such sums are specifically authorized to  
 5       be appropriated by Act of Congress with respect to such fis-  
 6       cal year.

7       **SEC. 216. UNITARY WIND TUNNEL PLAN ACT OF 1949**  
 8               **AMENDMENTS.**

9       *The Unitary Wind Tunnel Plan Act of 1949 is amend-*  
 10      *ed—*

11               (1) *in section 101 (50 U.S.C. 511) by striking*  
 12               *“transsonic and supersonic” and inserting in lieu*  
 13               *thereof “transonic, supersonic, and hypersonic”; and*

14               (2) *in section 103 (50 U.S.C. 513)—*

15                       (A) *by striking “laboratories” in subsection*  
 16                       (a) *and inserting in lieu thereof “laboratories*  
 17                       *and centers”;*

18                       (B) *by striking “supersonic” in subsection*  
 19                       (a) *and inserting in lieu thereof “transonic, su-*  
 20                       *personic, and hypersonic”; and*

21                       (C) *by striking “laboratory” in subsection*  
 22                       (c) *and inserting in lieu thereof “facility”.*

HR 2043 RH——2

HR 2043 RH——3

HR 2043 RH——4

HR 2043 RH—5